

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

**ALLY BANK, FIDELITY NATIONAL TITLE
INSURANCE COMPANY, ET AL.,**

Plaintiffs,

vs.

**JAMES C. CASTLE AKA J. CHRISTOPHER
CASTLE, ET AL.,**

Defendants.

Case No.: 11-CV-896 YGR

**ORDER ADVANCING HEARING ON STATUS OF
WITHDRAWAL OF COUNSEL**

The Court, in its November 12, 2014 Order Setting Status Hearing Re: Withdrawal of Counsel or Substitution of Counsel for James C. Castle (Dkt. No. 733), set a status hearing and directed counsel Ann McFarland Draper to file a status report regarding her withdrawal as counsel for defendant and cross-claimant James C. Castle, a.k.a. J. Christopher Castle, individually and as trustee of the J. Christopher Castle Irrevocable Trust.

In the interim, as part of Draper's joint letter with plaintiffs' counsel Stephen C. Seto (Dkt. No. 742), Draper indicated that "ethical issues have become apparent" to her and that, after consultation with the State Bar Ethics Hotline, she may have a "mandatory withdrawal" situation that would preclude her from continuing to represent Castle.

In light of this and other information in the parties' joint letter, the Court **ORDERS** as follows:

(1) the status hearing currently set for December 19, 2014, at 9:01 a.m. is **RESET** to Thursday, **December 11, 2014, at 2:00 p.m.** Personal appearance by Draper and all other parties will be required. Unrepresented parties may request to appear by phone or be excused from appearance if they submit such request no later than December 8, 2014.

(2) Counsel Ann McFarland Draper is **ORDERED** to file a status report regarding withdrawal or substitution no later than **December 5, 2014**. In that report, Draper shall address the basis for her

1 assertion that she is in a “mandatory withdrawal situation” to the extent she is able, consistent with
 2 her ethical obligations. She shall also address whether Castle has received notice of her intention to
 3 withdraw and shall provide Castle’s contact information for service of notices and orders in this
 4 litigation.

5 (3) Counsel Ann McFarland Draper is further **ORDERED TO SHOW CAUSE** why she or Castle
 6 should not have further sanctions, including contempt, evidentiary, or terminating sanctions, imposed
 7 upon them for their continued failure to comply with this Court’s August 11 Order to serve, by
 8 September 12, 2014, further responses to plaintiffs’ discovery requests and a privilege log (Dkt. No.
 9 701).

10 **IT IS SO ORDERED.**

11 **Dated:** November 26, 2014

12 
 13 YVONNE GONZALEZ ROGERS
 14 UNITED STATES DISTRICT COURT JUDGE

United States District Court
 Northern District of California